



# Department of Commerce

Division of Financial Institutions

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## APPLICATION TO EXERCISE TRUST POWERS IN OHIO BY AN OUT OF STATE CORPORATION

**Banks – Applying for a Trust Company License**  
Ohio Revised Code Section 1111.06

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**Ohio Department of Commerce  
Division of Financial Institutions**

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*"An Equal Opportunity Employer and Service Provider"*

**STATE OF OHIO  
DEPARTMENT OF COMMERCE  
DIVISION OF FINANCIAL INSTITUTIONS**

**APPLICATION FOR A CERTIFICATE OF AUTHORITY TO EXERCISE  
TRUST POWERS IN OHIO BY AN OUT-OF-STATE CORPORATION**

**Who Must File This Application**

Pursuant to Section 1111.06 of the Ohio Revised Code ("ORC"), this application must be prepared and filed with the Division of Financial Institutions ("Division") by a corporation located outside of the State of Ohio ("Applicant") to request authority to exercise trust powers in Ohio under Section 1111.02 of the ORC. The authority to do trust business in this state, once granted by the Superintendent of Financial Institutions, is perpetual, subject to the maintenance of adequate pledged securities pursuant to Section 1111.04 of the ORC and continuing compliance with Section 1111.05 of the ORC.

**Contents of Application**

The application shall consist of the following:

1. A cover page (form attached) identifying the Applicant and a contact person to whom questions or requests for additional information are to be directed.
2. A list of locations where Applicant will be conducting trust business in Ohio.
3. A list of any Ohio affiliates of Applicant.
4. Evidence that Applicant is currently authorized to do trust business in its home state or country (e.g., an original certificate of good standing issued by Applicant's primary regulator).
5. A Certificate of Appointment of Agent upon whom process against the Applicant may be served within the State of Ohio (attached). Should the agent named therein cease to be such agent for any reason, a new Certificate of Appointment of Agent must be filed immediately with the Division.
6. A **certified copy** of the most recent statement of condition made by Applicant and filed with its primary regulatory agency.
7. An original executed Trust Form #4 (attached) specifying the securities to be deposited for safekeeping with a qualified trustee for the account of the Treasurer of State pursuant to Section 1111.04 of the ORC, and a certified copy of the resolution adopted by Applicant's board of directors authorizing the deposit of securities to secure trust powers, or authorizing at least two officers to deposit and withdraw, from time to time, securities pledged to secure trust powers.
8. A certified copy of Applicant's articles of incorporation or other governing document authorizing the Applicant to engage in trust business.
9. Evidence that Applicant satisfies the requirements of Section 1111.05 of the ORC.
10. A formal request to the Superintendent of Financial Institutions to use the word "bank" and/or "trust" in a name pursuant to Section 1101.15 of the ORC, if the Applicant has not previously made this request.

### **Certification by Applicant**

The chief executive officer and the secretary of Applicant must certify in writing that all representations, data, and other information contained in the application, as well as all other documents supplementary to the application, contain no misstatements, misrepresentations, or omissions of material facts.

### **Retirement of Trust Powers**

Pursuant to Section 1111.31 of the ORC, a trust company must file a separate application to surrender its authority to exercise trust powers in Ohio. This application is available from the Division and must be filed with the Division before such retirement will be authorized.

**STATE OF OHIO**  
**DEPARTMENT OF COMMERCE**  
**DIVISION OF FINANCIAL INSTITUTIONS**

"An Equal Opportunity Employer and Service Provider"

APPLICATION FOR A LICENSE TO ENGAGE IN TRUST BUSINESS  
IN OHIO UNDER THE PROVISIONS OF  
CHAPTER 1111 OF THE OHIO REVISED CODE

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(Name and Location of Applicant)

hereby makes application, pursuant to Section 1111.06 of the Ohio Revised Code, to engage in a trust business in Ohio. If the applicant will have one or more offices in Ohio at which trust services will be offered, state the location(s) of such office(s) below:

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(Street Address\*; City, Village or Township; and County)

\*If an exact street address is not yet known, describe the location as precisely as possible in the space below by indicating its position relative to an intersection or other identifiable landmark.

Representative to be contacted for additional information:

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Name

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Title

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Address

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( )  
Telephone Number

It is hereby certified that the board of directors of the applicant, by resolution, has authorized the filing of this application; that, to the best of my knowledge, this application and all information submitted in connection herewith contain no misstatements, misrepresentations, or omissions of material facts.

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Signature of Authorized Officer

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Title

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Date

## APPOINTMENT OF STATUTORY AGENT

Legal Name of Corporation:

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Location of Principal Office of Corporation:

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Street (NOTE: a P.O. Box address is NOT acceptable)

City

State

Zip Code

The Corporation is incorporated under the laws of the State of \_\_\_\_\_.

Date of incorporation: \_\_\_\_\_

The aforesaid Corporation, in order to qualify to exercise trust powers in the State of Ohio, hereby appoints the following resident of Ohio as its statutory agent upon whom any process, notice, or demand required or permitted by statute to be served upon the Corporation may be served:

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Name

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Street (NOTE: a P.O. Box Address is NOT acceptable)

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Ohio

City

Zip Code

The Corporation irrevocably consents to service of process on the agent listed above as long as the authority of the agent continues, and to service of process upon the Ohio Department of Commerce, Division of Financial Institutions, if:

- the agent cannot be found, or
- the Corporation fails to designate another agent when required to do so, or
- the authority of the Corporation to do business in Ohio expires or is cancelled.

**IN WITNESS WHEREOF**, the Corporation has caused this appointment to be executed by its duly authorized officer.

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Signature of Officer

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Name

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Title

## ACCEPTANCE OF APPOINTMENT

The undersigned, \_\_\_\_\_, named herein as the statutory agent for \_\_\_\_\_, hereby acknowledges and accepts the appointment as statutory agent for said entity.

\_\_\_\_\_  
Signature of Statutory Agent

\_\_\_\_\_  
Date

**STATE OF OHIO  
DEPARTMENT OF COMMERCE  
DIVISION OF FINANCIAL INSTITUTIONS**

Application for authority to deposit bonds with \_\_\_\_\_  
(Qualified Trustee) to secure trust powers pursuant to Section 1111.04 of the Ohio Revised Code (Trust Form No. 4).

This form must be completed, and its original forwarded to the Division in order to deposit the following described bonds deposited with a qualified trustee as security for the faithful discharge of trust duties. ***A certified copy of the resolution of the Board of Directors authorizing the two undersigned individuals of the bank to deposit and withdraw, from time to time, securities pledged to secure trust powers must accompany this form.***

\_\_\_\_\_  
Name of Bank \_\_\_\_\_ ABA# \_\_\_\_\_

\_\_\_\_\_  
Address \_\_\_\_\_  
\_\_\_\_\_

Serial/ CUSIP Number	Kind and Description	Maturity	Par Value

**ONLY ONE SECURITY PER FORM**

The undersigned hereby certify that the aforesaid bonds are not in default as to the payment of principal or interest and that they meet the eligibility requirements of Section 1111.04 of the Ohio Revised Code.

IN WITNESS WHEREOF, said \_\_\_\_\_ (Name and Title), and  
\_\_\_\_\_, (Name and Title), of \_\_\_\_\_  
\_\_\_\_\_ acting for and on behalf of said corporation, have hereunto subscribed  
their names and caused the seal of said corporation to be hereunto affixed this \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_.

By \_\_\_\_\_  
Name \_\_\_\_\_ Title \_\_\_\_\_

By \_\_\_\_\_  
Name \_\_\_\_\_ Title \_\_\_\_\_